

HOUSE BILL No. 1245

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-12-31; IC 6-1.1-12-36.

Synopsis: Coal gasification property tax deduction. Provides a coal conversion system property tax deduction for five years beginning with the March 1, 2005, assessment date.

Effective: Upon passage.

Woodruff

January 6, 2005, read first time and referred to Committee on Ways and Means.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1245

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-12-31 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) For
3 purposes of this section, "coal conversion system" means tangible
4 property directly used to convert coal into a gaseous or liquid fuel or
5 char. This definition includes coal liquification, gasification, pyrolysis,
6 and a fluid bed combustion system designed for pollution control.
7 (b) For **property taxes first due and payable for each assessment**
8 **date in a** calendar year which begins after December 31, ~~1979~~, **2004**,
9 and before January 1, ~~1988~~, **2010**, the owner of a coal conversion
10 system which is used to process coal is entitled to a deduction from the
11 assessed value of the system. The amount of the deduction for a
12 particular calendar year equals the product of (1) ninety-five percent
13 (95%) of the assessed value of the system, multiplied by (2) a fraction.
14 The numerator of the fraction is the amount of Indiana coal converted
15 by the system during the immediately preceding calendar year and the
16 denominator of the fraction is the total amount of coal converted by the
17 system during the immediately preceding calendar year.

2005

IN 1245—LS 6980/DI 51+



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SECTION 2. IC 6-1.1-12-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) A person who receives a deduction provided under section 26, 29, **31**, 33, 34, or 38 of this chapter for a particular year and who remains eligible for the deduction for the following year is not required to file a statement to apply for the deduction for the following year.

(b) A person who receives a deduction provided under section 26, 29, **31**, 33, 34, or 38 of this chapter for a particular year and who becomes ineligible for the deduction for the following year shall notify the auditor of the county in which the real property or mobile home for which ~~he~~ **the person** received the deduction is located of ~~his~~ **the person's** ineligibility before March 31 of the year for which ~~he~~ **the person** becomes ineligible.

(c) The auditor of each county shall, in a particular year, apply a deduction provided under section 26, 29, **33**, 33, 34, or 38 of this chapter to each person who received the deduction in the preceding year unless the auditor determines that the person is no longer eligible for the deduction.

SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) The definitions in IC 6-1.1-1 apply throughout this SECTION.**

(b) Notwithstanding IC 6-1.1-12-35.5, a person may file for the deduction under IC 6-1.1-12-31, as amended by this act, for the March 1, 2005, assessment date anytime after the effective date of this SECTION and before June 15, 2005. The department of environmental management shall determine whether the system or device qualifies for a deduction under IC 6-1.1-12-31, as amended by this act, before July 15, 2005. If the department fails to make a determination under this subsection before July 15, 2005, the system or device is considered certified for assessment dates beginning March 1, 2005.

SECTION 4. An emergency is declared for this act.

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